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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,631	02/01/2002	Klaus-Peter Deyring	APT-004	1605

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RONALD CRAIG FISH
RONALD CRAIG FISH, A LAW CORP.
POST OFFICE BOX 2258
MORGAN HILL, CA 95037

EXAMINER

AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 06/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,631

Applicant(s)

DEYRING ET AL.

Examiner

Glenn A. Auve

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification contains numerous references to OOB with respect to various OOB signals, OOB processing, OOB process, OOB reset, etc. However there is never any sort of definition regarding what OOB stands for. To make the specification more complete a reference to what OOB means would be helpful.
2. Also, on page 3 the serial number and any current status information regarding the references application must be provided.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,2,6, and 7 are rejected because it is not clear what is meant by OOB.

Claim 1 is also rejected based on lack of positive antecedent basis of "said shift register" on line 7, "said register" on line 11, "the interval(s)" on line 17, and "the pattern of states" and "the duration(s)" on line 20. Claim 1 also recites two apparently different pattern recognition circuits which should probably be differentiated from one another by language such as "a first pattern recognition circuit" and "a second pattern recognition circuit".

Claim 2 is also rejected based on lack of positive antecedent basis of "the duration(s)" and "the interval(s)" on line 13. In line 14, "signal are active" should "signal is active".

Claim 3 is also rejected based on lack of positive antecedent basis of "the duration of predetermined states" on lines 20-21 and "the pattern of said predetermined states" on lines 21-22. Claim 3 is also rejected because it is not clear what is meant by "a predetermined pattern *such as* all logic 1s or all logic 0s" (emphasis added) on lines 12-13. This language is rather vague and indefinite. It is also not clear what the limits are on "active for a time sufficiently long to be assured that activation of both signals is not an accident" on lines 16-17.

Claim 4 is also rejected based on lack of positive antecedent basis of "the duration" and "said common mode intervals" on line 9; "the duration" on lines 10-11; "said common mode interval" on line 11; "the pattern" on line 11; "said common mode intervals" on lines 11-12; and "said pattern" on line 12. Claim 4 is also rejected because it is not clear what is meant by "high power pattern recognition circuitry" on lines 6 and 10; what constitutes "high power"?

Claim 5 is rejected because it is not clear what is meant by "a high speed conventional receiver" on line 5, "high speed data" on line 6, and "a low power pattern detection means" on line 9. Here again the terms high and low are indefinite.

Claim 6 is also rejected based on lack of positive antecedent basis of "the coupling capacitors" on line 13 and "the termination resistance" on line 14.

Claim 7 is also rejected based on lack of positive antecedent basis of "the duration of a first common mode interval" on lines 6-7, "the duration of a second common mode interval" on lines 13-14, and "the duration of a third common mode interval" on lines 20-21.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited but not applied to Chiang et al also shows a serial ATA system and an OOB detector, however it does not show the details claimed by applicant and its filing date is after that of applicant.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (703) 305-9638. The examiner can normally be reached on M-Th 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn A. Auve
Primary Examiner
Art Unit 2111